IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

WP No. 15173 of 1996

Between :

E.Satyanarayana .. Petitioner

And

The General Manager,
KDCC Bank Limited,
Machilipatnam,
Krishna District and another ..
Respondents

Dated : 5th September, 2006

JUDGMENT :

The petitioner was initially appointed in a Primary Agricultural Cooperative Society as Agricultural Supervisor in the year 1964. It appears he was promoted as an Executive Officer of the society some time in the year 1977. The said promotion was challenged by one Mr. Raghava Rao successfully before the Managing Committee of the society. The committee admittedly decided to revert the petitioner from the post of the Executive Officer. The petitioner challenged the said decision of the Committee by way of W.P.No. 334 of 1978. The same was dismissed by this Court by order dated 24.11.1978. The petitioner carried the matter in

appeal in WA No. 3 of 1979. However, choose to withdraw the writ appeal without inviting any decision by this Court.

Thereafter, the petitioner filed an appeal under Section 32(7)(b) of the Cooperative Societies Act. The issue in the appeal was whether the above mentioned Raghava Rao was properly promoted to the post of the Executive Officer or whether the petitioner is entitled for promotion as Executive Officer. The appeal was disposed of and the operative portion of the order reads as follows :

> "…. The records reveal that the initial appointment of respondent is not correct as per law and as such all further promotions basing on this appointment is bad in law but considering his long service, in the bank and also keeping in view the centralization of the cadres the Cooperative Agricultural Development Bank may consider to absorb the respondent in any other bank and also consider the case of Sri E.Satyanarayana for promotion as Executive Officer, if he satisfies the service conditions."

As the above mentioned direction was not complied with by the 1st respondent, the petitioner made a representation to the Registrar for a statutory direction

and the Registrar of Cooperative Societies issued directions to the 1st respondent Bank on 19.9.1985 directing the 1st respondent Bank to implement the decision dated 29.5.1981 referred to earlier. Pursuant to the said directions, it appears the 1st respondent Bank implemented the order partially in the sense that the petitioner was promoted with effect from 21.11.1985, but not with effect from the annual date of promotion of his junior Raghava Rao (8.3.1977). Aggrieved by the same, the petitioner once again approached the Registrar of Cooperative Societies, the 2nd respondent herein. By an order dated 7.6.1995, the 2nd respondent disposed of the appeal with the direction as follows :

> "You are therefore requested to consider the claims of the petitioner Sri E.Satyanarayana to consider his case with effect from the date on which Sri Raghavarao, his junior was promoted. Since the orders were particularly implemented there would be no considerable burden on the Bank. Thus this simple issue has to be considered without further loss of time and to avoid unnecessary correspondence from the Employee from time to time. You may therefore take action at your end and ensure closure of the matter once for

all."

Complaining that the said direction of the 2nd respondent is not implemented, the present writ petition is filed with the prayer as follows :

> "For the reasons stated in the accompanying affidavit of the petitioner herein, it is prayed that this Honourable Court may be pleased to issue an appropriate writ, order or direction particularly one in the nature of Writ of Mandamus, declaring the impugned action of the respondents herein in not restoring the seniority of the petitioner herein with effect from 8.3.1977 as Executive Officer despite the orders issued in Rc. No. 3515/93-C7 (a) dated 7.6.1995 by 2nd respondent herein, as illegal, void ab-initio and may be further directed the respondents herein to restore the seniority of the petitioner herein as Executive Officer with effect from 8.3.1977 as he is fully qualified to hold the post of Executive Officer, and pass such other order/s as this Honourable Court may deem fit and proper."

Heard the learned Government Pleader.

In the circumstances, I am of the opinion that the matter can be disposed of by directing the 1st

respondent to consider the case of the petitioner for promotion to the post of Executive Officer with effect from the date on which the junior Raghava Rao was promoted and for all consequential benefits in accordance with law within a period of eight weeks from the date of receipt of this order.

(J.CHELAMESWAR, J)

5th September, 2006.
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